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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,490	12/28/2001	Bernd Clauberg	US010726	6482

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EXAMINER

DINH, TRINH VO

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s) N .

10/037,490

Applicant(s)

CLAUBERG ET AL.

Examiner

Trinh Vo Dinh

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is a response to amendment filed 04/18/2003. The rejections of claims 1-10 have been withdrawn in view of the amendment. However, the newly added claims 11-30 necessitate a new ground of rejection as discussed below.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 11-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 11, 13-15, 18, 20, 22, 25, 27 and 29, what is meant by "series resonant, series loaded configuration"?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in–

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 11-13, 15-16, 22-23 and 29, as the best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Nerone (US 6,411,045 B1).

With respect to claims 11 and 22, Nerone discloses a first LED array (170 + 175, 165) having an anti-parallel configuration (Fig. 1), an inverter (120, 125) operable to provide an AC voltage at a switching frequency (Fig. 1, col. 3, lines 1-7), a first impedance circuit (150, 155, 160, 180, 185) including a first inductor (150) and a first capacitor (155, 160) connected to the first LED array in a first series resonant, series loaded configuration, and wherein the first impedance circuit include means (150, 160) direct a first flow of an AC through the first LED array in response to the alternating voltage having a first polarity and directs a second flow of the first AC through the first LED array in response to the alternating voltage having a second polarity (Fig. 1, col. 3, lines 15+).

With respect to claim 15, Nerone discloses the first capacitor being a capacitor array (155, 160).

With respect to claims 12, 16 and 23, Nerone discloses the first LED array including at least one LED pair (170, 175).

With respect to claim 13, Nerone discloses a second LED array having a second anti-parallel configuration (170, 175 + 165, Fig. 1) wherein the first impedance circuit further including a second capacitor (155, 160), wherein the inductor and the second capacitor are connected to the second LED array in a second series resonant, series loaded configuration and wherein the first impedance circuit direct a first flow of an AC through the first LED array in response to the alternating voltage having a first polarity and directs a second flow of the first AC through the first LED array in response to the alternating voltage having a second polarity (Fig. 1, col. 3, lines 15+).

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With respect to claim 29, Nerone discloses at least one LED array (170 + 175, 165) each LED array having an anti-parallel configuration (Fig. 1), an inverter means (120, 125) operable to provide an AC voltage at a switching frequency (Fig. 1, col. 3, lines 1-7), a impedance means (150, 155, 160, 180, 185) connected to each LED array in a series resonant, series loaded configuration, the impedance means for directing a first flow of an AC through the at least one LED array in response to the alternating voltage having a first polarity and directing a second flow of the first AC through the at least one LED array in response to the alternating voltage having a second polarity (Fig. 1, col. 3, lines 15+).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17, 24 and 30, as the best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nerone in view of Reymond (WO 01/01385 A1) submitted by Applicant.

Nerone discloses every feature of the claim invention excluding a switch being operable to control an alternating current through the LED array. Reymond discloses, in Fig. 4, LED array (32a, 32b) including a switch (36) operable to control a flow of an alternating current through the LED array. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add a switch to LED array of Nerone in order to control lighting states of the LED array.

Allowable Subject Matter

7. Claims 14, 18-21 and 25-28 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action **and to include all of the limitations of the base claim and any intervening claims.**

8. The following is a statement of reasons for the indication of allowable subject matter:

The cited art of record fails to teach the first impedance circuit (or a second impedance circuit) including means (or a second capacitor array) for directing a third flow of a second AC through the second LED array in response to the alternating voltage having the first polarity and directing a fourth flow of the second AC through the second LED array in response to the alternating voltage having the second polarity.

Conclusion

9. Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Inquiry

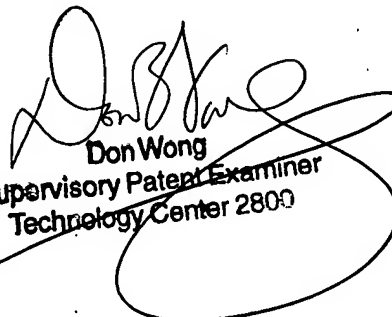
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Vo Dinh whose telephone number is (703) 305-4525. The examiner can normally be reached on Monday-Friday from 8:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong, can be reached on (703) 308-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

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*Trinh Vo Dinh
May 21, 2003*


Don Wong
Supervisory Patent Examiner
Technology Center 2800